



DEC 15 2003

CASE VA/H-33198

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

KNAPE ET AL.

APPLICATION NO: 09/776,787

FILED: FEBRUARY 4, 2003

FOR: INACTIVE BOVINE SCOURS VACCINES, PROCESS AND
METHOD OF PREVENTING BOVINE SCOURS

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATEMENT OF PUBLIC AVAILABILITY OF BIOLOGICAL MATERIAL

I, David L. Marks, Registration Number 37,881, am the duly appointed attorney of record for the above referenced patent application.

I, hereby state, that the biological material in the above referenced patent application is *Clostridium perfringens* Type C, GL47 and has been deposited with American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20109 on February 1, 2001 and assigned ATCC Designation Number PTA-3000. American Type Culture Collection is an International Depository Authority under the provisions of the Budapest Treaty.

All restrictions upon public access to the deposit will be waived should a U.S. Patent be issued citing the deposited biological material. While the American Type Culture Collection acknowledges that the deposited biological material was viable, should the culture die, be destroyed, or unviable samples cannot be dispensed during the effective term of the deposit, the Applicants will replace the deposited biological material.

Attached is a copy of American Type Culture Collection's Receipt issued on February 21, 2001, acknowledging the deposit of this biological material and the viability of the biological material.

Respectfully submitted,

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